

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
Charleston Division**

DEREK CLEMENTS, <i>et al.</i> ,	)	
	)	
Plaintiffs	)	
	)	
v.	)	Civil Action No. 2:22-cv-02069-RMG
	)	
LLOYD J. AUSTIN, III,	)	
	)	
Defendant.	)	
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**NOTICE OF JOINT SCHEDULING REQUEST FOR ANY PRELIMINARY  
INJUNCTION HEARING**

The Parties, by and through counsel, respectfully submit this Joint Scheduling Request with regards to the Court’s scheduling of a hearing for Plaintiffs’ Motion for a Preliminary Injunction.<sup>1</sup> For good reason, the Parties respectfully ask that the Court schedule any hearing outside September 9, 2022, through September 23, 2022, to account for conflicts held by respective counsel during the approximately 2-week timespan. Counsel for Plaintiffs have conflicts between September 9, 2022, and September 22, 2022, which includes the out-of-country absence of one of Plaintiffs’ lead counsel. Counsel for Defendant has a conflict on September 23, 2022.

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<sup>1</sup> The Parties disagree on the necessity of a preliminary injunction motion hearing. Defendant submits that a hearing on Plaintiffs’ preliminary injunction motion is unnecessary. Plaintiffs submit that the hearing is not only appropriate under FRCP 65, but also that the hearing is necessary, as Plaintiffs’ counsel intend to develop the record further by introducing witness testimony. Plaintiffs believe that said live testimony is necessary to give the Court a full, up-to-date account of the situation surrounding the case, will provide critical context, and will greatly abet the Court in its deliberations.

Plaintiffs' sought Defendant's consent on this filing, during which both parties discussed their respective dates of absence. Accordingly, the Parties respectfully ask that the Court schedule any hearing on Plaintiffs' Motion for a Preliminary Injunction outside of the above listed dates.

Respectfully submitted,

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